

H.R. 4644, THE LIBYA STABILIZATION ACT

NOVEMBER 17, 2020.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. ENGEL, from the Committee on Foreign Affairs,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 4644]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill
(H.R. 4644) having considered the same, reports favorably thereon
with an amendment and recommends that the bill as amended do
pass.

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THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) **SHORT TITLE.**—This Act may be cited as the “Libya Stabilization Act”.
 (b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Findings; statement of policy.

TITLE I—IDENTIFYING CHALLENGES TO STABILITY IN LIBYA

- Sec. 101. Report on activities of certain foreign governments and actors in Libya.
 Sec. 102. Report of Russian activities and objectives in Libya.
 Sec. 103. Determination of sanctionable activities of the Libyan National Army with respect to Syria.

TITLE II—ACTIONS TO ADDRESS FOREIGN INTERVENTION IN LIBYA

- Sec. 201. Sanctions with respect to foreign persons leading, directing, or supporting certain foreign government involvement in Libya.
 Sec. 202. Sanctions with respect to foreign persons threatening the peace or stability of Libya.
 Sec. 203. Sanctions with respect to foreign persons who are responsible for or complicit in gross violations of internationally recognized human rights committed in Libya.
 Sec. 204. Sanctions described.
 Sec. 205. Waiver.
 Sec. 206. Implementation and regulatory authority.
 Sec. 207. Exception relating to importation of goods.
 Sec. 208. Definitions.
 Sec. 209. Suspension of sanctions.
 Sec. 210. Sunset.

TITLE III—ASSISTANCE FOR LIBYA

- Sec. 301. Humanitarian relief for the people of Libya and international refugees and migrants in Libya.
 Sec. 302. Support for democratic governance, elections, and civil society.
 Sec. 303. Engaging international financial institutions to advance Libyan economic recovery and improve public sector financial management.
 Sec. 304. Recovering assets stolen from the Libyan people.

SEC. 2. FINDINGS; STATEMENT OF POLICY.

- (a) **FINDINGS.**—Congress makes the following findings:

(1) The stability and territorial unity of Libya is critical to the security of the United States, Europe, North Africa, and the Sahel, as well as maritime routes in the southern Mediterranean Sea.

(2) United States Africa Command (AFRICOM) identifies containing instability in Libya as one of its six main lines of effort in Africa and works to support diplomatic efforts to reconstitute the Libyan State and to disrupt terrorist organizations that impede that process or threaten United States interests.

(3) According to the Defense Intelligence Agency, the Islamic State in Libya (ISIS Libya) is “degraded”. However, Secretary of Defense Mark Esper said in November 2019 that there is a continued need for lethal operations to keep ISIS Libya in a degraded state.

(4) On April 4, 2019, Khalifa Haftar, the commander of the Libyan National Army (LNA) ordered forces loyal to him to begin a unilateral military operation to take control of Tripoli, the capital of Libya and seat of the Government of National Accord (GNA), an interim body that emerged from previous United Nations-backed negotiations which the United States Government and the United Nations Security Council have recognized since 2015.

(5) Both the LNA, the GNA, and their associated forces have failed to observe their obligations under international humanitarian law, increased the geographic scope of the conflict, ignored calls for de-escalation and a ceasefire, recruited foreign mercenaries, and intensified ground and air campaigns using heavy weapons, aircraft, and reportedly using armed drones provided by foreign powers.

(6) According to then-United Nations Special Representative and Head of the United Nations Support Mission in Libya (UNSMIL), Ghassan Salamé, weapons provided by foreign powers to the warring parties in violation of the United Nations arms embargo are being sold to or captured by terrorist groups active in Libya.

(7) According to the United Nations, since the LNA offensive began in April 2019, the conflict in Libya has led to the deaths of more than 2,200 people and the displacement of more than 150,000 people.

(8) All sides of the conflict have requisitioned the houses of civilians, targeted medical facilities, and inhibited humanitarian access to food, health, and other life-saving services, worsening humanitarian conditions.

(9) More than 2,200 refugees and migrants are detained in detention facilities in Libya with serious risks of torture, starvation, sexual abuse, and death. On July 2, 2019, an airstrike against the Tajura Detention Center killed 53 and wounded 130 people trapped in the center. The United Nations has called for the immediate release, evacuation, and protection of refugees and migrants detained in conflict zones.

(10) The Department of State's 2020 Trafficking in Persons Report states with regard to Libya, "Trafficking victims—including men, women, and children—are highly vulnerable to extreme violence and other human rights violations in Libya by governmental and non-state armed groups, including: physical, sexual, and verbal assault; abduction for ransom; extortion; arbitrary killings; inhumane detention; and child soldiering . . . Migrants in Libya are extremely vulnerable to sex and labor trafficking [and . . .] are vulnerable to exploitation by state and non-state actors, including employers who refuse to pay laborers' wages."

(11) In November 2019, the GNA and the Government of Turkey signed a Memorandum of Understanding on maritime boundaries in the Mediterranean Sea.

(12) According to a July 2020 Department of Defense Inspector General report, the Wagner Group, a Russian private military company, has deployed as many as 2,500 mercenary forces, including some Syrian fighters, advanced equipment, and advanced capabilities to support the LNA and Russian objectives in North Africa.

(13) According to a July 2020 Department of Defense Inspector General report, "Turkey's president acknowledged that his country sent many Syrian militants to Libya to support the Government of National Accord (GNA). . . . USAFRICOM estimated that 3,500 Syrian mercenaries were in Libya supporting the GNA as of the end of March. Citing press reports, USAFRICOM stated that an additional 300 Turkish-supported 'Syrian opposition' fighters arrived in Libya in early April."

(14) In January 2020, LNA-aligned forces shut down oil production in eastern Libya, which according to the United Nations threatens devastating consequences for the Libyan people and for the country's economic and financial situation.

(15) On January 19, 2020, at a peace conference in Berlin, representatives of the Governments of Algeria, China, Egypt, France, Germany, Italy, Russia, Turkey, the Republic of Congo, the United Arab Emirates, the United Kingdom, and the United States, as well as regional and multilateral organizations, agreed to refrain from interference in Libya's internal affairs, abide by the United Nations arms embargo, and advance a 55-point communique to resolve the conflict in Libya.

(16) On January 30, 2020, then-United Nations Special Representative Salamé asserted, "the warring parties have continued to receive advanced equipment, fighters, and advisors from foreign states, in violation of the UN arms embargo and pledges made by representatives of these countries in Berlin".

(17) On February 12, 2020, the United States Assistant Secretary of State for Near Eastern Affairs testified before the Senate Foreign Relations Committee, "The task of bringing the Libyans back to the negotiating table has been complicated by the involvement of external actors. Libya is not the place for Russian mercenaries, or fighters from Syria, Chad, and Sudan. It is not the place for the Emiratis, Russians, or Turks to be fighting battles on the ground through intermediaries they sponsor or support with sophisticated and deadly equipment in pursuit of their own agendas."

(18) On February 13, 2020, the United Nations Security Council adopted Resolution 2510, which endorses the Conclusions of the International Conference on Libya held in Berlin, affirms the need for a lasting ceasefire, demands full compliance by all member states with the United Nations arms embargo, and expresses unequivocal support for the United Nations Special Representative and the ongoing UNSMIL-facilitated intra-Libyan dialogue.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to advance a peaceful resolution to the conflict in Libya through a political process as the best way to secure United States interests, ensure a stable and unified Libya, reduce the threat of terrorism, and provide peace and opportunity to the Libyan people;

(2) to support the implementation of United Nations Security Council Resolutions 1970 (2011) and 1973 (2011), which established an arms embargo on Libya, and subsequent resolutions modifying and extending the embargo;

(3) to enforce Executive Order 13726 (81 Fed. Reg. 23559; relating to blocking property and suspending entry into the United States of persons contributing to the situation in Libya (April 19, 2016)), designed to target individuals or entities who “threaten the peace, security, and stability of Libya”;

(4) to oppose attacks on civilians, medical workers, and critical infrastructure, including water supplies, in Libya, and to support accountability for those engaged in such heinous actions;

(5) to support Libya’s sovereignty, independence, territorial integrity, and national unity consistent with United Nations Security Council Resolution 2510 (2020) and all predecessor resolutions with respect to Libya, including by—

(A) taking action to end the violence and flow of arms;

(B) rejecting attempts by any party to illicitly export Libya’s oil; and

(C) urging Libyan parties to eject foreign military and mercenary forces;

(6) to leverage diplomatic relations to convince the parties to the conflict in Libya to immediately de-escalate and halt their current fighting and persuade foreign powers to stop providing personnel, including mercenaries, weapons, and financing that exacerbate the conflict;

(7) to support building on the Libyan Political Agreement as a viable framework for the political solution in Libya and to urge all Libyan parties to resume the inclusive Libyan-led and Libyan-owned political process under the auspices of UNSMIL;

(8) to support a negotiated and peaceful political solution that includes a single, unified, inclusive, and effective Libyan Government approved by the Libyan House of Representatives, the end of a transitional period achieved through free, fair, inclusive, and credible elections, a fair and transparent allocation of resources, interim security arrangements, and a process for the reunification of Libyan government ministries and Libyan sovereign institutions, including the Central Bank of Libya, the National Oil Corporation, and the Libyan Investment Authority;

(9) to support constant, unimpeded, and reliable humanitarian access to those in need and to hold accountable those who impede or threaten the delivery of humanitarian assistance;

(10) to seek to bring an end to trafficking in persons such as slavery, forced labor, and sexual exploitation, including with respect to migrants;

(11) to advocate for the immediate release and safe evacuations of detained refugees and migrants trapped by the fighting in Libya;

(12) to encourage implementation of UNSMIL’s plan for the organized and gradual closure of migrant detention centers in Libya;

(13) to support current and future democratic and economic development; and

(14) to discourage all parties from heightening tensions in the region, through unhelpful and provocative actions.

TITLE I—IDENTIFYING CHALLENGES TO STABILITY IN LIBYA

SEC. 101. REPORT ON ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS AND ACTORS IN LIBYA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence, shall submit to the appropriate congressional committees a report that includes—

(1) a description of the full extent of involvement in Libya by foreign governments, including the Governments of Russia, Turkey, the United Arab Emirates, Egypt, Sudan, Chad, China, Saudi Arabia, and Qatar, including—

(A) a description of which governments are linked to drone and aircraft strikes;

(B) a list of the types and estimated amounts of equipment transferred by each government described in this paragraph to the parties to the conflict, including foreign military contractors, mercenaries, or paramilitary forces operating in Libya; and

(C) an estimate of the financial support provided by each government described in this paragraph to the parties to the conflict, including foreign military contractors, mercenaries, or paramilitary forces operating in Libya;

(2) an analysis and determination of whether the actions by the governments described in paragraph (1) violate the arms embargo with respect to Libya under United Nations Security Council Resolution 2473 (2019) and other relevant Security Council resolutions;

(3) a list of the specific offending materiel or financial support transfers provided by a government described in paragraph (1) that violate the arms embargo with respect to Libya under United Nations Security Council Resolution 2473 (2019) and other relevant Security Council resolutions;

(4) a description of the activities of each foreign armed group, including the Russian Wagner Group, Turkish military contractors and mercenaries, affiliates of ISIS, al-Qaida in the Islamic Maghreb (AQIM), and Ansar al-Sharia, in Libya;

(5) a description of European Union and North Atlantic Treaty Organization (NATO) efforts to enforce the United Nations arms embargo and facilitate a ceasefire;

(6) a description of any violations of the arms embargo by European Union member states; and

(7) a description of United States diplomatic engagement with the European Union and NATO regarding enforcement of the United Nations arms embargo.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

SEC. 102. REPORT OF RUSSIAN ACTIVITIES AND OBJECTIVES IN LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) GENERAL Stephen Townsend, Commander of United States Africa Command (AFRICOM), warned in January 2020 that in Libya, Russia seeks to “demonstrate itself as an alternative partner to the West” and seeks to position itself alongside the southern flank of the North Atlantic Treaty Organization (NATO).

(2) AFRICOM has also stated that the Russian military presence in Libya threatens future United States military partnerships and counterterrorism cooperation by impeding United States access to Libya.

(3) In May 2020, AFRICOM reported that the Government of Russia deployed 14 MiG-29 and Su-24 aircraft to Libya to support Russian state-sponsored private military contractors, including the Wagner Group.

(b) REPORT.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that contains an assessment of Russian activities and objectives in Libya, including—

(A) the potential threat such activities pose to the United States, southern Europe, NATO, and partners in the Mediterranean Sea and North African region;

(B) the direct role of Russia in Libyan financial affairs, to include issuing and printing currency; and

(C) Russia’s use of mercenaries, military contractors, equipment, and paramilitary forces in Libya.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

SEC. 103. DETERMINATION OF SANCTIONABLE ACTIVITIES OF THE LIBYAN NATIONAL ARMY WITH RESPECT TO SYRIA.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a list of members of the Libyan National Army (LNA), and details of their activities, that the President determines are knowingly responsible for sanctionable offenses pursuant to—

(1) section 7412 of the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note; 133 Stat. 2292); or

(2) Executive Order 13582 (76 Fed. Reg. 52209; relating to blocking property of the Government of Syria and prohibiting certain transactions with respect to Syria (August 17, 2011)).

TITLE II—ACTIONS TO ADDRESS FOREIGN INTERVENTION IN LIBYA

SEC. 201. SANCTIONS WITH RESPECT TO FOREIGN PERSONS LEADING, DIRECTING, OR SUPPORTING CERTAIN FOREIGN GOVERNMENT INVOLVEMENT IN LIBYA.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall impose each of the sanctions described in section 204 with respect to each foreign person that the President determines knowingly engages in an activity described in subsection (b).

(b) **ACTIVITIES DESCRIBED.**—A foreign person engages in an activity described in this subsection if the person leads, directs, or provides significant financial, material, or technological support to, or knowingly engages in a significant transaction with, a non-Libyan foreign person that is—

- (1) in Libya in a military or commercial capacity as a military contractor, mercenary, or part of a paramilitary force; and
- (2) engaged in significant actions that threaten the peace, security, or stability of Libya.

SEC. 202. SANCTIONS WITH RESPECT TO FOREIGN PERSONS THREATENING THE PEACE OR STABILITY OF LIBYA.

(a) **IMPOSITION OF SANCTIONS.**—The President shall impose each of the sanctions described in section 204 with respect to each foreign person on the list required by subsection (b).

(b) **LIST.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of—

- (1) foreign persons, including senior government officials, militia leaders, paramilitary leaders, and other persons who provide significant support to militia or paramilitary groups in Libya, that the President determines are knowingly—

- (A) engaged in significant actions or policies that threaten the peace, security, or stability of Libya, including any supply of arms or related materiel in violation of a United Nations Security Council resolution with respect to Libya;

- (B) engaged in significant actions or policies that obstruct, undermine, delay, or impede, or pose a significant risk of obstructing, undermining, delaying, or impeding the United Nations-mediated political process that seeks a negotiated and peaceful solution to the Libyan crisis;

- (C) engaged in significant actions that may lead to or result in the misappropriation of significant state assets of Libya;

- (D) involved in, or has been involved in, the significant illicit exploitation of crude oil or any other natural resources in Libya, including the significant illicit production, refining, brokering, sale, purchase, or export of Libyan oil;

- (E) significantly threatening or coercing Libyan state financial institutions or the Libyan National Oil Company; or

- (F) significantly responsible for actions or policies that are intended to undermine efforts to promote stabilization and economic recovery in Libya;

- (2) foreign persons that the President determines are successor entities to persons referred to in subparagraphs (A) through (F) of paragraph (1); and

- (3) foreign persons that the President determines—

- (A) own or control, or are owned or controlled by, a person referred to in any of subparagraphs (A) through (F) of paragraph (1) or paragraph (2); and

- (B) have provided, or attempted to provide, significant financial, material, technological, or other support for, or goods or services in support of, a person referred to in any of subparagraphs (A) through (F) of paragraph (1) or paragraph (2) for purposes of engaging in any activity listed in such subparagraphs (A) through (F) of paragraph (1).

(c) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional committees an updated list under subsection (b)—

- (1) not later than 180 days after the date of the enactment of this Act and annually thereafter for a period of 5 years; or
- (2) as new information becomes available.

(d) **FORM.**—The list required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 203. SANCTIONS WITH RESPECT TO FOREIGN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS COMMITTED IN LIBYA.

(a) IMPOSITION OF SANCTIONS.—The President shall impose each of the sanctions described in section 204 with respect to each foreign person on the list required by subsection (b).

(b) LIST OF PERSONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of foreign persons, including senior government officials, militia leaders, paramilitary leaders, and other persons who provide significant support to militia or paramilitary groups in Libya, that the President determines are knowingly responsible for or complicit in, or have directly or indirectly engaged in, gross violations of internationally recognized human rights committed in Libya.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 180 days after the date of the enactment of this Act and annually thereafter for a period of 5 years; or

(B) as new information becomes available.

(3) FORM.—The list required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 204. SANCTIONS DESCRIBED.

(a) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to a foreign person under section 201, 202, or 203 are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

(A) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—A foreign person who meets any of the criteria described section 201, 202, or 203 is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—A foreign person subject to section 201, 202, or 203 is subject to the following:

(i) Revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the foreign person's possession.

(b) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under section 306(2) to carry out subsection (a)(1) to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(c) EXCEPTION.—Sanctions under subsection (a)(2) shall not apply to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States.

(d) EXCEPTION TO COMPLY WITH NATIONAL SECURITY.—The following activities shall be exempt from sanctions under this section:

(1) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(2) Any authorized intelligence or law enforcement activities of the United States.

SEC. 205. WAIVER.

The President may waive the application of sanctions imposed on a foreign person under this title if the President—

- (1) determines that such a waiver is in the national interest of the United States; and
- (2) not later than the date on which such waiver will take effect, submits to the appropriate congressional committees a notice of and justification for such waiver.

SEC. 206. IMPLEMENTATION AND REGULATORY AUTHORITY.

The President—

- (1) is authorized to exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this title; and
- (2) shall issue such regulations, licenses, and orders as are necessary to carry out this title.

SEC. 207. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) **IN GENERAL.**—The authorities and requirements to impose sanctions under this title shall not include the authority or requirement to impose sanctions on the importation of goods.

(b) **GOOD DEFINED.**—In this section, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment and excluding technical data.

SEC. 208. DEFINITIONS.

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and
- (B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) **ADMITTED; ALIEN.**—The terms “admitted” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(3) **FOREIGN PERSON.**—The term “foreign person” means an individual or entity that is not a United States person.

(4) **FOREIGN GOVERNMENT.**—The term “foreign government” means any government of a country other than the United States.

(5) **KNOWINGLY.**—The term “knowingly” with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(6) **UNITED STATES PERSON.**—The term “United States person” means—

- (A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or
- (B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or
- (C) any person in the United States.

(7) **GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.**—The term “gross violations of internationally recognized human rights” has the meaning given such term in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)).

SEC. 209. SUSPENSION OF SANCTIONS.

(a) **IN GENERAL.**—The President may suspend in whole or in part the imposition of sanctions otherwise required under this title for periods not to exceed 90 days if the President determines that the parties to the conflict in Libya have agreed to and are upholding a sustainable, good-faith ceasefire in support of a lasting political solution in Libya.

(b) **NOTIFICATION REQUIRED.**—Not later than 30 days after the date on which the President makes a determination to suspend the imposition of sanctions as described in subsection (a), the President shall submit to the appropriate congressional committees a notification of the determination.

(c) **REIMPOSITION OF SANCTIONS.**—Any sanctions suspended under subsection (a) shall be reimposed if the President determines that the criteria described in that subsection are no longer being met.

SEC. 210. SUNSET.

The requirement to impose sanctions under this title shall cease to be effective on December 31, 2024.

TITLE III—ASSISTANCE FOR LIBYA**SEC. 301. HUMANITARIAN RELIEF FOR THE PEOPLE OF LIBYA AND INTERNATIONAL REFUGEES AND MIGRANTS IN LIBYA.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should—

(A) continue efforts to address Libya’s humanitarian crisis;

(B) leverage diplomatic relations with the warring parties to guarantee constant, reliable humanitarian access by frontline providers in Libya;

(C) leverage diplomatic relations with the warring parties, the United Nations, and the European Union to encourage the voluntary safe passage of detained vulnerable migrants and refugees from the conflict zones in Libya; and

(D) support efforts to document and publicize gross violations of internationally recognized human rights and international humanitarian law, including efforts related to trafficking in persons such as slavery, forced labor, and sexual exploitation, and hold perpetrators accountable; and

(2) humanitarian assistance to address the crisis in Libya should be targeted toward those most in need and delivered through partners that uphold internationally recognized humanitarian principles, with robust monitoring to ensure assistance is reaching intended beneficiaries.

(b) ASSISTANCE AUTHORIZED.—The Administrator of the United States Agency for International Development, in coordination with the Secretary of State, should continue to support humanitarian assistance to individuals and communities in Libya, including—

(1) health assistance, including logistical and technical assistance to hospitals, ambulances, and health clinics in affected communities, including migrant communities, and provision of basic public health commodities;

(2) services, such as medicines and medical supplies and equipment;

(3) assistance to provide—

(A) protection, food, and shelter, including to migrant communities; and

(B) water, sanitation, and hygiene (commonly referred to as “WASH”); and

(4) technical assistance to ensure health, food, and commodities are appropriately selected, procured, targeted, monitored, and distributed.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a strategy on the following:

(1) How the United States, working with relevant foreign governments and multilateral organizations, plans to address the humanitarian situation in Libya.

(2) Diplomatic efforts by the United States to encourage strategic burdensharing with international donors, including foreign governments and multilateral organizations on efforts to improve the humanitarian situation in Libya.

(3) How to address humanitarian access challenges and ensure protection for vulnerable refugees and migrants, including protection from trafficking in persons such as slavery, forced labor, and sexual exploitation.

(4) How the United States is mitigating risk, utilizing third party monitors, and ensuring effective delivery of assistance.

(d) DIPLOMATIC ENGAGEMENT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, should work with relevant foreign governments and multilateral organizations to coordinate a high-level summit with respect to Libya in order to—

(1) advance a ceasefire;

(2) facilitate a political process to achieve such a ceasefire; and

(3) coordinate donations to advance the provision of humanitarian assistance to the people of Libya and international migrants and refugees in Libya in order to carry out the strategy required by subsection (c).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 302. SUPPORT FOR DEMOCRATIC GOVERNANCE, ELECTIONS, AND CIVIL SOCIETY.

(a) **IN GENERAL.**—The Secretary of State shall coordinate United States Government efforts to—

- (1) support efforts to resolve the current civil conflict in Libya;
- (2) work to help the people of Libya and a future Libyan government develop functioning, unified Libyan economic, security, and governing institutions;
- (3) work to ensure free, fair, inclusive, and credible elections organized by an independent and effective High National Elections Commission in Libya, including through supporting electoral security and international election observation and by providing training and technical assistance to institutions with election-related responsibilities, as appropriate;
- (4) work with the people of Libya, nongovernmental organizations, and Libyan institutions to strengthen democratic governance, reinforce civilian institutions and support decentralization in order to address community grievances, promote social cohesion, mitigate drivers of violent extremism, and help communities recover from Islamic State occupation;
- (5) defend against gross violations of internationally recognized human rights in Libya, including by supporting efforts to document such violations;
- (6) to combat corruption and improve the transparency and accountability of Libyan government institutions; and
- (7) to support the efforts of independent media outlets to broadcast, distribute, and share information with the Libyan people.

(b) **RISK MITIGATION AND ASSISTANCE MONITORING.**—The Secretary of State and Administrator of the United States Agency for International Development shall ensure that appropriate steps are taken to mitigate risk of diversion of assistance for Libya and ensure reliable third-party monitoring is utilized for projects in Libya that United States Government personnel are unable to access and monitor.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a report on the activities carried out under subsection (a).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

- (A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and
- (B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated \$23,000,000 for fiscal year 2021 to carry out subsection (a).

(2) **NOTIFICATION REQUIREMENTS.**—Any expenditure of amounts made available to carry out subsection (a) shall be subject to the notification requirements applicable to—

- (A) expenditures from the Economic Support Fund under section 531(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(c)); and
- (B) expenditures from the Development Assistance Fund under section 653(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413(a)).

SEC. 303. ENGAGING INTERNATIONAL FINANCIAL INSTITUTIONS TO ADVANCE LIBYAN ECONOMIC RECOVERY AND IMPROVE PUBLIC SECTOR FINANCIAL MANAGEMENT.

(a) **IN GENERAL.**—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to support, in a way that is consistent with broader United States national interests, a Libyan-led process to develop a framework for the economic recovery of Libya and improved public sector financial management, complementary to United Nations-led peace efforts and in support of the future establishment of a sovereign state with democratic institutions and the rule of law in Libya.

(b) **ADDITIONAL ELEMENTS.**—To the extent consistent with broader United States national interests, the framework described in subsection (a) shall include the following policy proposals:

- (1) To restore, respect, and safeguard the integrity, unity, and lawful governance of Libya’s key economic ministries and institutions, in particular the Central Bank of Libya, the Libya Investment Authority, the National Oil Corporation, and the Audit Bureau (AB).

(2) To improve the accountability and effectiveness of Libyan authorities, including sovereign economic institutions, in providing services and opportunity to the Libyan people.

(3) To assist in improving public financial management and reconciling the public accounts of national financial institutions and letters of credit issued by private Libyan financial institutions as needed pursuant to a political process.

(4) To restore the production, efficient management, and development of Libya's oil and gas industries so such industries are resilient against malign foreign influence and can generate prosperity on behalf of the Libyan people.

(5) To promote the development of private sector enterprise.

(6) To improve the transparency and accountability of public sector employment and wage distribution.

(7) To strengthen supervision of and reform of Libyan financial institutions.

(8) To eliminate exploitation of price controls and market distorting subsidies in the Libyan economy.

(9) To support opportunities for United States businesses.

(c) CONSULTATION.—In supporting the framework described in subsection (a), the Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to encourage the institution to consult with relevant stakeholders in the financial, governance, and energy sectors.

(d) DEFINITION OF INTERNATIONAL FINANCIAL INSTITUTION.—In this section, the term “international financial institution” means the International Monetary Fund, International Bank for Reconstruction and Development, European Bank for Reconstruction and Development, International Development Association, International Finance Corporation, Multilateral Investment Guarantee Agency, African Development Bank, African Development Fund, Asian Development Bank, Inter-American Development Bank, Bank for Economic Cooperation and Development in the Middle East and North Africa, and Inter-American Investment Corporation.

(e) TERMINATION.—The requirements of this section shall cease to be effective on December 31, 2024.

SEC. 304. RECOVERING ASSETS STOLEN FROM THE LIBYAN PEOPLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State, the Secretary of the Treasury, and the Attorney General should, to the extent practicable, advance a coordinated international effort—

(1) to carry out special financial investigations to identify and track assets taken from the people and institutions of Libya through theft, corruption, money laundering, or other illicit means; and

(2) to work with foreign governments—

(A) to share financial investigations intelligence, as appropriate;

(B) to oversee the assets identified pursuant to paragraph (1); and

(C) to provide technical assistance to help governments establish the necessary legal framework to carry out asset forfeitures.

(b) ADDITIONAL ELEMENTS.—The coordinated international effort described in subsection (a) should include input from—

(1) the Office of Terrorist Financing and Financial Crimes of the Department of the Treasury;

(2) the Financial Crimes Enforcement Network of the Department of the Treasury; and

(3) the Money Laundering and Asset Recovery Section of the Department of Justice.

PURPOSE OF LEGISLATION

H.R. 4644, the “Libya Stabilization Act of 2020”, is a response to years of instability and violence created by the conflict in Libya, and exacerbated by external actors seeking to exploit the vacuum left by weakened Libyan state institutions. This legislation seeks to raise the price of perpetuating conflict for internal and external actors in order to support a political process to end the conflict and urge the parties to the conflict to comply with agreed-upon ceasefire arrangements. The legislation also authorizes humanitarian assistance to the people of Libya and assistance to help them strengthen democratic governance and build a better future in Libya.

BACKGROUND AND NEED FOR LEGISLATION

Libya's political transition from Muammar al-Qaddafi's authoritarian rule has been disrupted by violence between armed nonstate groups and threatened by the indecision and squabbles of interim leaders for years. After an armed uprising by Libyans and NATO's military intervention ended Qaddafi's four-decade rule in 2011, interim authorities proved unable to form a stable government, address security issues, reshape the country's finances, or create a viable pathway for post-conflict reconciliation. Insecurity spread as local armed groups competed for influence and resources.

Qaddafi's rule left Libya ill-prepared for self-government, with crippled institutions and little to no civil society. Between 2012 and 2014, insecurity and violence between armed groups increased as did terrorist attacks against the U.S. (such as the attack on the U.S. compound in Benghazi in September 2012 that killed four Americans, including U.S. Ambassador to Libya J. Christopher Stevens) and other international targets, further destabilizing Libya.

In December 2015, some Libyan leaders endorsed a U.N.-brokered political agreement to create a Government of National Accord (GNA) to oversee the completion of the transition. GNA Prime Minister-designate Fayez al-Sarraj and members of a GNA Presidency Council tried to implement a negotiated political agreement but faced resistance from rival political leaders and defiant militias, including rivals and armed groups in eastern Libya, most prominently Khalifa Haftar's Libyan National Army (LNA).

These tensions erupted into major conflict in 2019 when Haftar's LNA launched an armed assault on western Libyan population centers and sought to seize Libya's capital, Tripoli, from the internationally-recognized GNA. Fighting intensified until GNA forces repelled Haftar's advance and forced the LNA's withdrawal from Tripoli's environs in June 2020. The U.S. and EU, as of the time of the writing of this report, are supporting a national ceasefire and have resumed negotiations aimed at ensuring the viability of a long-term Libyan civilian government.

In 2019 and 2020 various foreign states, each seeking to gain a foothold and expand their regional influence through Libyan proxies, fueled the civil war by providing lethal weaponry, fighters, and financial resources to their respective allies. Arms flows from outside states violate multiple UN Security Council resolutions including Resolution 2174 (adopted in August 2014) which authorizes the placement of UN financial and travel sanctions on individuals and entities found to be "engaging in or providing support for other acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition." UNSCR 2174 also strengthened the arms embargo provisions and UNSCR 2213 expanded the scope of sanctionable activities related to the arms embargo.

Russian state-supported private military contractor Wagner Group intervened on behalf of Haftar's LNA via mercenary personnel in-country as well as providing small arms and equipment. In response, the European Union in October 2020 imposed sanctions on the head of the Wagner Group for "multiple and repeated breaches of the United Nations arms embargo in Libya." The U.S. also has sanctions on Wagner, Yevgeniy Prigozhin (manager and

financier of the Wagner Group), and numerous affiliated entities. Egypt and the United Arab Emirates (UAE) also supplied funding and weaponry to the LNA including small arms, drones and other equipment. Turkey, acting through a bilateral agreement reached with the GNA, has provided training, mercenaries, weapons, and equipment to GNA forces, and positioned naval vessels off Libya's coast to support GNA forces and harass and intimidate those seeking to support GNA adversaries through maritime shipments.

The U.S. and EU have repeatedly underscored the need for such actions to cease, including at the January 2020 Berlin Conference on Libya where the five permanent members of the U.N. Security Council and other key foreign actors made joint commitments with a goal of ending the conflict. These commitments included a cessation of hostilities, a pledge of mutual respect for the U.N. arms embargo, and a set of shared post-conflict governance, economic, and security goals.

In June 2020, U.S. Ambassador Richard Norland and AFRICOM Commander Gen. Stephen Townsend visited western Libya and met with GNA Prime Ministerdesignate Sarraj, Minister of Interior Fathi Bashaga, and other GNA officials. Upon the conclusion of this visit, Ambassador Norland stated, "External actors should stop fueling the conflict, respect the UN arms embargo, and uphold commitments made at the Berlin Summit."

On October 23, 2020 GNA and LNA officials, representing Libya's main warring parties, agreed to a cease-fire, facilitated by the United Nations. The agreement seeks to end the fighting and calls on forces to return to their bases and for the withdrawal of all foreign forces and mercenaries within three months. Initial military steps are to be followed by dialogue between parties and continued efforts towards a lasting political solution to the conflict. On November 9, the United Nations convened the first in-person meeting of the Libyan Political Dialogue Forum, which aims to define a new consensus on holding national elections, beginning reconciliation, and ending the political transition. Though the United Nations will continue to facilitate and monitor the security and political processes, many details remain to be defined such as enforcement mechanisms, terms and objectives of the forthcoming political process, as well as timelines and details of national elections.

This legislation supports such goals by placing additional U.S. sanctions on actors engaged in violations of the U.N. arms embargo and establishing additional reporting requirements in furtherance of U.S. policy goals.

SUMMARY OF THE LEGISLATION

The Committee believes that one way to advance a diplomatic solution in Libya is to raise the costs for those parties continuing to engage in and support violence in Libya. This legislation imposes sanctions on foreign persons, both inside and outside of Libya, who are unhelpfully fueling the conflict thereby putting peaceful resolution further out of reach. The legislation also authorizes humanitarian relief and support for democratic governance, elections and civil society to help the people of Libya rebuild their country and prevent a power vacuum that violent extremists and adversarial powers like Russia could exploit.

HEARINGS/BRIEFINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress the following hearing was used to develop or consider H.R. 4644. May 15, 2019, Subcommittee on the Middle East, North Africa, and International Terrorism hearing on “The Conflict in Libya” (Ben Fishman, Senior Fellow, The Washington Institute for Near East Policy; Megan Doherty, Senior Director for Policy and Advocacy, Mercy Corps; Frederic Wehrey, Ph.D., Senior Fellow, Middle East Program, Carnegie Endowment for International Peace; Thomas Hill, Senior Program Officer, North Africa, United States Institute of Peace).

COMMITTEE CONSIDERATION

The Committee on Foreign Affairs marked up H.R. 4644 in open session on July 29, 2020, pursuant to notice. An amendment in the nature of a substitute (offered by Subcommittee on the Middle East, North Africa, and International Terrorism Chairman Theodore Deutch) and one amendment to that amendment in the nature of a substitute (offered by Rep. Steve Chabot and Rep. Ilhan Omar) were considered en bloc with the underlying bill, and were agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of rules of the House of Representatives, the committee reports that findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the descriptive portions of this report, particularly in the “Purpose of Legislation,” “Background and Need for Legislation,” and “Section-by-Section Analysis” sections.

NEW BUDGET AUTHORITY, TAX EXPENDITURES,
AND FEDERAL MANDATES

In compliance with clause 3(c)(2) of House Rule XIII and the Unfunded Mandates Reform Act (P.L. 104–4), the committee adopts as its own the estimate of new budget authority, entitlement authority, tax expenditure or revenues, and Federal mandates contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 29, 2020.

Hon. ELIOT ENGEL,
*Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4644, the Libya Stabilization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 4644, Libya Stabilization Act			
As ordered reported by the House Committee on Foreign Affairs on July 29, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	18	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold
* = between -\$500,000 and \$500,000.			

BASIS OF ESTIMATE

H.R. 4644 would authorize the appropriation of \$23 million in 2021 to promote stability, free elections, civil society, and democratic governance in Libya. Assuming appropriation of the specified amount, CBO estimates that providing such assistance would cost \$17 million over the 2021–2025 period. The remainder would be spent after 2025.

The bill also would require the Administration to provide several reports to the Congress on sanctions, the conflict in Libya, and related matters. On the basis of information about similar requirements, CBO estimates that providing the required reports would cost the department \$1 million. In total, CBO estimates that implementing the bill would cost \$18 million over the 2020–2025 period. Such spending would be subject to the availability of appropriated funds.

Finally, the bill would require the President to impose sanctions on foreign persons who threaten the peace and stability of Libya or who commit gross violations of human rights in that country. That authority would expire on December 31, 2024. Those sanctions would deny affected people entry into the United States. CBO estimates that the provision would increase the number of people who would be denied visas by the Department of State. Most visa fees are retained by the department and spent without further appropriation, but some fees are deposited in the Treasury as revenues. Denying foreign nationals entry into the United States also would reduce direct spending on certain federal benefits for which they are eligible, such as emergency Medicaid or federal subsidies for health insurance.

In addition, the sanctions would block transactions in assets and property that are in the United States or come under the control of U.S. persons.

Enacting the bill also would increase the number of people who would be subject to civil or criminal penalties for violating the sanctions. Penalties are recorded as revenues, and a portion of those penalties can be spent without further appropriation.

Using data from similar sanctions, CBO estimates that few people would be affected; thus, enacting the bill would have insignificant effects on revenues and direct spending, and would, on net, reduce the deficit by insignificant amounts.

MANDATES

H.R. 4644 would impose a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA). It would prohibit individuals or entities in the United States from engaging in transactions involving assets and property that have been frozen by sanctions authorized in the bill. Those transactions are otherwise permitted under current law. The cost of the mandate would be any income lost as a consequence. CBO expects that because a small number of people or entities would be affected, the loss of income from any incremental increase in restrictions imposed by the bill would be small as well. CBO estimates that the cost of the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$168 million in 2020, adjusted annually for inflation).

H.R. 4644 contains no intergovernmental mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Sunita D'Monte; Mandates: Brandon Lever.

Estimate reviewed by: David Newman, Chief, Defense, International Affairs, and Veterans' Affairs Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; Leo Lex, Deputy Director of Budget Analysis.

DIRECTED RULE MAKING

[Pursuant to clause 3(c) of House Rule XIII, as modified by section 3(i) of H. Res. 5 during the 116th Congress, the committee notes that H.R. 4664 contains no directed rule-making provisions.]

NON-DUPLICATION OF FEDERAL PROGRAMS

[Pursuant to clause 3(c)(5) of House Rule XIII, the committee states that no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.]

PERFORMANCE GOALS AND OBJECTIVES

The Act is intended to compel internal and external actors to cease activity in Libya that fuels conflict and undermines a political process. The key performance goal associated with this objec-

tive is a determination that the parties to the conflict in Libya have agreed to and are upholding a sustainable, good faith ceasefire in support of a lasting political solution in Libya.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 4644 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

NEW ADVISORY COMMITTEES

H.R. 4644 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

H.R. 4644 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House Rule XXI.

SECTION-BY-SECTION ANALYSIS

Sec. 1: Short title; Table of Contents

Sec. 2: Findings; Statement of Policy

Includes a statement that it is the policy of the United States to advance a peaceful resolution to the conflict in Libya through a political process as the best way to secure United States interests, ensure a stable and unified Libya, reduce the threat of terrorism, and provide peace and opportunity to the Libyan people.

Sec. 101: Report on activities of certain Foreign Governments and actors in Libya

This provision requires an executive branch report on the extent and type of foreign actor involvement in Libya, including numbers and types of military equipment transferred, extent of financial support, and numbers and capabilities of military contractors, mercenaries or other types of paramilitary forces provided and the extent to which such actions violate the UN arms embargo.

Sec. 102: Report of Russian activities and objectives in Libya

This provision requires a report from the executive branch on the extent and implications of Russian involvement in Libya and the impact of such activities on the U.S. and Europe.

Sec. 103: Determination of sanctionable activities of the Libyan National Army with respect to Syria

This provision requires a determination as to whether Libyan National Army (LNA) activities connected to Syria and the Assad regime are sanctionable under the Caesar Syrian Civilian Protection Act or Executive Order 13582.

Sec. 201: Sanctions with respect to foreign persons leading, directing or supporting certain Foreign Government involvement in Libya

This section mandates U.S. sanctions on any foreign person that knowingly leads, directs, or provides significant financial, material,

or technological support to, or knowingly engages in a significant transaction with a non-Libyan foreign person that is in Libya in a military or commercial capacity as a military contractor, mercenary, or paramilitary force and engaged in significant actions that threaten the peace, security, or stability of Libya.

Sec. 202: Sanctions with respect to foreign persons threatening the peace or stability of Libya

This section mandates U.S. sanctions on any foreign persons, including senior government officials, militia leaders, paramilitary leaders or any other persons who are knowingly engaging in significant actions that threaten the peace, security, or stability of Libya including any supply of arms or related materiel in violation of a UN Security Council Resolution with respect to Libya; who engage in any activities or efforts that delay or obstruct the UN-mediated political negotiations process; who engage in significant illicit exploitation or misappropriation of Libyan state assets or natural resources including oil; who significantly threaten or coerce Libyan state financial institution or the Libyan National Oil Company; or who are significantly responsible for actions or policies intended to undermine efforts to promote stabilization or recovery in Libya. Those who have provided or attempted to provide significant financial, material, technological or other support for a person engaged in such actions are also subject to sanctions.

Sec. 203: Sanctions with respect to foreign persons who are responsible for or complicit in gross violations of internationally recognized human rights committed in Libya

This provision mandates sanctions on any foreign persons, including senior government officials, militia leaders, paramilitary leaders and other persons who provide significant support to militia or paramilitary groups in Libya, that the President determines are knowingly responsible for, complicit, or engaged in gross violations of internationally recognized human rights committed in Libya.

Sec. 204: Sanctions described

Sec. 205: Waiver

Sec. 206: Implementation and regulatory authority

Authorizes the President to issue regulations in order to implement this legislation.

Sec. 207: Exception relating to importation of goods

Clarifies that the Authority to Impose of Sanctions does not Include the Authority or Requirement to Impose Sanctions on the Importation of Goods.

Sec. 208: Definitions

Sec. 209: Suspension of sanctions

This provision allows for the President to suspend sanctions if parties to the conflict in Libya are determined to have agreed to and are upholding a sustainable, good-faith ceasefire in support of a lasting political solution to the conflict. Sanctions would be reim-

posed if the President determines that the parties are no longer upholding a ceasefire in support of a lasting political solution to the conflict.

Sec. 210: Sunset

The requirement to impose sanctions ceases to be effective on December 31, 2024.

Sec. 301: Humanitarian relief for the people of Libya and international refugees and migrants in Libya

This provision states that the U.S. Agency for International Development, in coordination with the Secretary of State should continue humanitarian assistance to individuals and communities in Libya including via health assistance; services such as medicine and medical supplies; food; shelter; water, sanitation, and hygiene; and related technical assistance. Also requires an accompanying strategy for addressing the humanitarian situation in Libya including coordinating with other states and burden-sharing.

Sec. 302: Support for democratic governance, elections, and civil society

This provision directs the Secretary of State to coordinate U.S. efforts to: support efforts to resolve the civil conflict in Libya; help the people of Libya develop functioning, unified institutions; work to ensure the holding of free, fair and inclusive elections; strengthen democratic governance and reinforce civilian institutions; defend against and document gross violations of internationally recognized human rights; combat corruption; and support efforts to independent media to broadcast to the Libyan people. The provision authorizes \$23,000,000 for fiscal year 2021 to carry out such activities and requires a report to Congress on such work.

Sec. 303: Engaging international financial institutions to advance Libyan economic recovery and improve public sector financial management

This provision requires the Secretary of the Treasury to direct U.S. representatives at each international financial institution to support a Libyan-led process to develop a framework for the economic recovery of Libya and improved public sector financial management, complementary to UN-led peace efforts and in support of the future establishment of a sovereign state with democratic institutions and the rule of law in Libya. Elements of such efforts must also include initiatives to: restore institutions such as the Central Bank of Libya, the Libyan Investment Authority, the Libyan National Oil Company and the Audit Bureau; improve the accountability and effectiveness of Libyan authorities and institutions; assist in restoring the functioning and management of Libya's oil and gas industries to benefit the Libyan people; promote the development of private sector enterprise; improve the transparency and accountability of public sector employment and wage distribution; strengthen reform of Libyan financial institutions; eliminate exploitation of price controls and market distorting subsidies in Libya; and support opportunities for U.S. businesses.

Sec. 304: Recovering assets stolen from the Libyan people

Expresses the sense of Congress that the United States should advance a coordinated international effort to carry out special financial investigations to identify and track assets taken from the people and institutions of Libya through theft, corruption, money laundering or other illicit means.

COMMITTEE CORRESPONDENCE

ELIOT L. ENGEL, NEW YORK
CHAIRMAN

JASON STEINBAUM
STAFF DIRECTOR



MICHAEL T. MCCAUL, TEXAS
RANGING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR

One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

November 11, 2020

The Honorable Maxine Waters
Committee on Financial Services
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairwoman Waters:

I am writing to you concerning H.R. 4644, Libya Stabilization Act. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on Financial Services under House Rule X, and that your Committee will forgo action on H.R. 4644 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction. I also acknowledge that your Committee will be appropriately consulted and involved as this or similar legislation moves forward, and will support the appointment of Committee on Financial Services conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

A handwritten signature in cursive script that reads "Eliot L. Engel".

ELIOT L. ENGEL
Chairman

Cc: The Honorable Michael T. McCaul, Committee on Foreign Affairs
The Honorable Patrick T. McHenry, Committee on Financial Services
Mr. Jason Smith, Parliamentarian

MAXINE WATERS, CA
CHAIRWOMAN

United States House of Representatives
Committee on Financial Services
2129 Rayburn House Office Building
Washington, D.C. 20515

PATRICK McHENRY, NC
RANKING MEMBER

November 13, 2020

The Honorable Eliot Engel
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
2170 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I am writing concerning H.R. 4644, the Libya Stabilization Act. In order to permit H.R. 4644 to proceed expeditiously to the House Floor, I agree to forgo formal consideration of the bill.

The Committee on Financial Services takes this action to forego formal consideration of H.R. 4644 in light of the mutually agreed changes to provisions within the jurisdiction of the Committee on Financial Services. We are also doing so based on our mutual understanding that, by foregoing formal consideration of H.R. 4644 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward with regard to any matters in the Committee's jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation that involves the Committee's jurisdiction and request your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding, and I would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during Floor consideration of H.R. 4644.

Sincerely,


MAXINE WATERS
Chairwoman

Cc: The Honorable Patrick McHenry, Ranking Member

ELIOT L. ENGEL, NEW YORK
CHAIRMAN

JASON STENBAUM
STAFF DIRECTOR



MICHAEL T. MCCAUL, TEXAS
RANKING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR

One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

November 11, 2020

The Honorable Jerrold Nadler
Chairman, Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Nadler:

I am writing to you concerning H.R. 4644, Libya Stabilization Act. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the House Committee on the Judiciary under House Rule X, and that your Committee will forgo action on H.R. 4644 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction. I will also support the appointment of Committee on the Judiciary conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

Eliot L. Engel

ELIOT L. ENGEL
Chairman

Cc: The Honorable Michael T. McCaul, Committee on Foreign Affairs
Ranking Member Jim Jordan, Committee on the Judiciary
Mr. Jason Smith, Parliamentarian

JERROLD NADLER, New York
CHAIRMAN

JIM JORDAN, Iowa
RANKING MEMBER

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Sixteenth Congress

November 9, 2020

The Honorable Eliot Engel
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
2170 Rayburn House Office Building
Washington, DC 20515

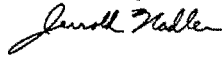
Dear Chairman Engel:

This is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 4644, the "Libya Stabilization Act," that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 4644, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the *Congressional Record* during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,



Jerrold Nadler
Chairman

c: The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary
The Honorable Jason Smith, Parliamentarian
The Honorable Michael McCaul, Ranking Member, Committee on Foreign Affairs

ADDITIONAL VIEWS

We concur with the views expressed in the full Committee report accompanying H.R. 4644, the Libya Stabilization Act and recommend that the bill do pass. I offer supplemental views for the report on the following two points:

1. Violence in Libya: Subsequent to the fall of Qadhafi, violence between rival revolutionary militias and terrorist groups remained at relatively low-level rates prior to the surge of external military support. I visited Benghazi in 2011 in the joyous aftermath of Qadhafi's fall and witnessed the significant security challenges facing Libyans, but also their commitment to working with one another to build a new country across regional and tribal divides. This was ultimately trumped by external military support, which sought to tip the scales in the internal Libyan political transition. In particular, following the start of the civil war in the summer of 2014, Libya saw flagrant violations of the UN arms embargo by the UAE and Egypt.

The revolution was fought by hastily assembled militias, operating independently and with minimal connection to pre-revolutionary military structures. As a result, following the revolution, low-level violence erupted sporadically as these militias struggled to work through significant ideological and political differences, while simultaneously fending off ISIS and AQ-inspired groups. However, following an offensive launched in early 2014 by former Qadhafiera general Khalifa Haftar, a surge of support from the UAE and Egypt expanded the scale of conflict and shifted the nature of violence.

In the aftermath of this support, the nature of violence in Libya shifted away from low-level skirmishes. By 2014, Haftar's militias unleashed largescale military and political campaigns seeking to dominate the post-revolutionary landscape, eliminate rival militias, and purge ideological and political diversity from Libya.

This provision of external financing, weapons, military construction, and air support cemented the political division of the country in 2014 and empowered Haftar to stand against the Libyan Political Agreement (LPA) negotiated in 2015 with US support. Emirati and Egyptian support to Haftar was crucial to the failure of the LPA in reunifying the country.

2. External involvement: Concern about external actors providing weapons in violation of the UN arms embargo is not new. As a former Assistant Secretary of State, I can attest that the US government has been aware of and publicly condemnatory of external involvement in Libya since at least 2014. However, a clear understanding of the sequencing of external involvement is essential to unwinding these tragic missteps.

Of note, the United Arab Emirates launched a program of major military and financial support to Haftar's militias as early as 2014,

providing small arms, financing, and military air strikes. This escalated with the provision in 2016–2017 of drones and attack aircraft following the completion of the Khadim airbase. These flagrant violations of the UN arms embargo were frequently facilitated by the Egyptian government, whose acquiescence was necessary for crossborder movement of weapons and personnel into eastern Libya. The UN Panel of Experts on Libya has documented that the most significant violations since at least 2014 have been undertaken by the Emirates and systematically benefited Haftar's forces. Violations include provision of attack helicopters, armed drones, fighter planes and parts, armored vehicles, small arms, and ammunition. Some weapons shipments may have even violated USG end-use conditions, such as US-provided attack aircraft sold to the UAE but illegally diverted to eastern Libya. During the same timeframe, Qatar was suspected of bankrolling relatively limited shipments of ammunition and small arms from Turkey and Sudan.

2019–2020 saw a renewed interest by external parties following Haftar's UAE-backed offensive on the US and UN-recognized government in Tripoli. Of note, Turkey—a late entrant in hard support to this conflict—has surged armored vehicles, small arms, and Syrian mercenaries to support the Tripoli government. While Ankara points to formal agreements with the UN-recognized government, such weapons shipments and other military support would still violate the still-in-force arms embargo. During this latter period, the Emirates has escalated its own materiel support through the provision of Pantsir air defense systems and is alleged to have funded Russian mercenaries fighting for Haftar. These systematic violations have killed and endangered civilians and prolonged a conflict that has displaced more than 400,000.

De-escalation and a return to democratic transition for Libya will unavoidably require an enforceable and verifiable cessation of external support to the various armed groups. However, the United States government must provide transparent and thorough reporting on the relative scale and nature of this illegal materiel support in violation of the UN arms embargo, including by US allies and partners. As a prerequisite to serious conflict resolution, I am confident that the transparent accounting required under this bill will serve to restore US credibility as a neutral and honest broker in the conflict.

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